

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CARTER,

Plaintiff,

v.

Case No. 06-11959
Honorable Patrick J. Duggan

PATRICIA CARUSO, TIM BIRKETT,
MARY HOAG, and SHERRYN
ESCHENWICK,

Respondents.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on February 26, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Plaintiff initiated this lawsuit on April 27, 2006, alleging due process and equal protection violations arising from his exclusion from GED preparation classes during his placement in protective housing at Michigan's Standish Maximum Correctional Facility. Defendants filed a motion for summary judgment on August 17, 2006, which this Court referred to Magistrate Judge R. Steven Whalen.

On January 29, 2007, Magistrate Judge Whalen filed his Report and Recommendation (R&R) recommending that this Court grant Defendants' motion for

summary judgment. At the conclusion of the R&R, Magistrate Judge Whalen advises the parties that they may object to and seek review of the R&R within ten days of service upon them. (R&R at 11.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

IT IS ORDERED, that Defendants’ motion for summary judgment is
GRANTED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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Magistrate Judge R. Steven Whalen